

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BEN HARDY, et al.,

Defendants.

Civil Action Nos. 90-0695-L(J)  
90-0792-L(A)

DECLARATION OF JERRY BLANKENSHIP

I, Jerry Blankenship, declare and state as follows:

1. Unless otherwise indicated, I have personal knowledge of the facts set forth herein and would be competent to testify thereto.

2. I was associated with Lee's Lane Landfill from mid 1967 to September 1971. I first became associated with the Lee's Lane Landfill because a construction company I ran with my brother, Charles Blankenship, bought sand that was at the landfill.

3. On one occasion, Mr. Hofgesang, who ran the landfill, asked me if he could use my company's earth moving equipment to help put out a fire at the landfill. After my company provided this assistance, Mr. Hofgesang requested that my company work in the pit businesses at the landfill. My company provided two employees to run the equipment on site. The company that handled this business was called Landfill, Inc. The Landfill, Inc. employees also helped in the landfilling operations. Landfill, Inc. provided front end loaders for the digging and covering operations. Landfill, Inc. was paid on a percentage basis for



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the sand sold and the waste accepted at the landfill. I relied on Mr. Hofgesang to calculate the percentage.

4. During the time that Landfill, Inc. was associated with the landfill, I recall that Mr. Hofgesang also had other employees working at the landfill, including a woman who ran the scale house, and guard who lived in a trailer on site, and a spotter who told drivers where to dump materials.

5. Mr. Hofgesang died in <sup>April</sup> 1971, but Ben Hardy ran things at the landfill before Mr. Hofgesang died. Mr. Hardy took over after Mr. Hofgesang <sup>died</sup> became sick. Mr. Hardy called the shots. In September 1971, Mr. Hardy fired <sup>me, my business and ordered some off the property.</sup> Landfill, Inc. Attached is a copy of a letter Mr. Hardy sent to me terminating Landfill, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 10, 1994.

  
Jerry Blankenship